

NOTTINGHAM  
SITE PLAN REVIEW REGULATIONS  
FINAL DRAFT

NOVEMBER 24, 1986  
AMENDED JULY 17, 1996  
AMENDED MARCH 4, 1998

Prepared for the  
Nottingham Planning Board

By the

STRAFFORD REGIONAL PLANNING COMMISSION  
County Courthouse  
County Farm Road  
Dover, New Hampshire 03820

## Table of Contents

### SECTION

I	Authority.....	3
II	Purpose.....	3
III	Interpretation.....	4
IV	Applicability.....	4
V	Application Procedures.....	4
VI	Public Notice Requirements.....	8
VII	Site Plan Requirements.....	9
VIII	Performance Agreement.....	11
IX	Design Standards and Required Improvements.....	13
X	Administration and Enforcement.....	22
XI	Words and Phrases.....	24

NOTTINGHAM  
SITE PLAN REVIEW REGULATIONS

SECTION I – Authority

The Town of Nottingham, having adopted a zoning ordinance under New Hampshire Revised Statutes Annotated (RSA) 674:16. and the Planning Board having previously adopted subdivision regulations under RSA 674A:36, is further empowered under RSA 674:43 to review and approve or disapprove site plans after being authorized by town meeting to adopt site plan review regulations. The Nottingham Town meeting on March 11, 1986 authorized the Nottingham Planning Board to adopt Site Plan Review Regulations. This review authority shall be applied to the development of tracts for non-residential uses and for multi-family dwelling units which are defined as any structure containing more than two (2) dwelling units per structure, whether or not such development includes a subdivision or re-subdivision of a site.

SECTION II – Purpose

The purpose of the Nottingham Site Plan Review Regulation, as authorized by RSA 674:44-II, is to:

- A. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  - (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
  - (2) Inadequate protection for the quality of groundwater;
  - (3) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties; and
  - (4) Inadequate provisions for fire safety, prevention and control.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- C. Provide for open spaces and green spaces of adequate proportions;

- D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for fire fighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system;
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- G. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- H. Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

### SECTION III – Interpretation

These Site Plan Review Regulations in no way relieve the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertain to the proposed development.

The standards contained in these regulations shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best interest of the Town will application be approved.

### SECTION IV – Applicability

Site Plans shall be submitted for Planning Board review by any applicant seeking new, altered or converted use of a multi-family dwelling unit (more than two (2) dwelling units per structure) or non-residential site or structure. Site Plan Reviews shall also be required for mixed use development which combines single-family, multi-family or non-residential land uses. Site Plan Reviews shall not be required if in the opinion of the Board the proposed multi-family or residential development involves no significant building alterations or changes in the site.

Planning Board approval of said site plans shall be a necessary prerequisite to issuance of any building permit.

## SECTION V – Application Procedure

### A. Preliminary Consultation

Any applicant may meet with the Planning Board, or its designated agent, on an informal basis to discuss his/her development proposal prior to submitting a formal application. This “preliminary consultation” may occur with the Planning Board only at a regularly scheduled meeting.

A preliminary consultation may be used for the purpose of discussing proposals in conceptual form only, as they relate to the Master Plan, the desirability of types of development and other policies and procedures established by the Board. Preliminary consultation may occur without giving formal public notice and shall not be binding on either the Board or the applicant (RSA 676:4 II).

### B. Application Submittal and Review

Any property owner, or his/her designated agent, considering applying for site review approval by the Planning Board, shall submit an application in accordance with the following regulations. Only complete applications will be reviewed by the Board. To be considered complete, an application shall (RSA 676:4 I(b)):

- (1) Be made on forms available at the Planning Board office;
- (2) Include a fee in an amount to be determined in accordance with the fee schedule;
- (3) Include five (5) copies of a site plan as described in Section VII;
- (4) Be submitted to the Planning Board or its designated agent, at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board. Included with the application shall be the names and mailing addresses of all abutters, as indicated in the Town records. The names of the abutters shall be obtained from two records not more than five (5) calendar days before the day of filing (RSA 676:4 I(b));
- (5) Include ground/aerial photos of the site and immediate area, when requested;
- (6) Be accompanied by written assurance from public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application;

- (7) Be accompanied by written certification from appropriate Town officials that the proposed development is in compliance with all local safety and construction requirements;
- (8) Be accompanied by a copy of all required State and Federal permits or a certified copy of the State or Federal application form;
- (9) Be accompanied by an impact statement, in narrative form, addressing the proposed project's purpose, scope of operation, and impact on the immediate area of influence and the Town in general. The following aspects should be addressed, except that the Planning Board may waive certain data requirements where considered appropriate:
  - (a) Attendance at public schools;
  - (b) Increase in vehicular traffic;
  - (c) Changes in local population;
  - (d) Increases in municipal costs;
  - (e) Load on public utilities of future demand for the;
  - (f) Public safety;
  - (g) Changes in the tax revenue;
  - (h) Changes in the surface drainage;
  - (i) Increased consumption of groundwater;
  - (j) Increased refuse disposal;
  - (k) Pollution of water or air;
  - (l) Land erosion or loss of tree cover;
  - (m) Disturbance to other aspects of the natural ecology;
  - (n) Blocking of view;
  - (o) Harmony with the character of surrounding development;
  - (p) Location of utilities.

In preparing the impact statement the developer will explain all underlying assumptions for any of the stated conclusions, including a finding of no impact. Any statistical or technical manuals used should be referenced.

- (10) Impact statements shall be reviewed and evaluated by the Board as to the completeness of the information submitted by the applicant.
- (11) If the Planning Board deems necessary, the Board may retain consultants to prepare special investigative studies or review documents and other matters related to a particular application. Reasonable fees to cover the cost of such studies or reviews may be charged to the applicant (RSA 676:4 I (g)).

C. Action by the Board

- (1) The Planning Board shall accept an application for Site Plan Review by a majority vote at its regularly scheduled meeting only if the application has been submitted in accordance with Section V-B and complies with the requirements outlined in Section VII. Notice of said public meeting shall be provided to the applicant, abutters and the public in accordance with Section VI (RSA 676:4 I(d)). The applicant must provide the name and address of every professional, (i.e. Licensed Land Surveyors, Soil Scientists, etc.) whose stamp appears on the plan.
- (2) The Board shall begin formal consideration of the application within thirty (30) days after submission and acceptance of the completed application. The Board shall act to approve, conditionally approve or disapprove within ninety (90) days after accepting the application subject to extension or waiver as set forth in paragraph three (3) below (RSA 676:4 I(c)).
- (3) The Planning Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove an application. The applicant may waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676:4 I(f)).
- (4) No application shall be approved or disapproved without a public hearing on said application. Notice of the public hearing shall be provided in accordance with Section VI.
- (5) Following a public hearing on a site plan application, the Board shall approve, conditionally approve, deny or table the proposed application. Conditional approval may include, but not be limited to, the posting of a performance bond, or escrow agreement or other means of surety which may be requested of the applicant by the Planning Board.
- (6) The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, conditional approval or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the Town's ordinances or to other essential planning criteria, as determined by the Planning Board.

- (7) Any application that receives approval subject to conditions precedent, must comply with the conditions precedent before a building permit can be issued. Additional public hearings, in accordance with Section VI, will be held by the Board to determine if the applicant has complied with all conditions precedent, except as noted below (RSA 676:4(i)).
  - (a) A public hearing is not required to determine compliance with conditions precedent if the applicant submits evidence of satisfactory compliance with the conditions imposed and that the conditions imposed were:
    - (i) Minor plat changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
    - (ii) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
    - (iii) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.
  - (b) All other conditions precedent shall require a public hearing and notice as required in Section VI of these regulations.
- (8) The Planning Board may offer conceptual site review approval, however, said approval shall not qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one (1) year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two (2) years.

#### SECTION VI – Public Notice Requirements

No Site Plan Review application shall be accepted or acted on by the Planning Board without giving due notice to the public. Such notice will be given in the following manner:

- A. The applicant and all abutters shall be notified by certified mail of the date upon which the application will be formally submitted to the board. The applicant and all abutters shall also be notified in the same manner concerning



the date of the public hearing. If notice of the public hearing has been included in the notice of submission or any prior notice, additional public notice of the public hearing is not required. Nor shall additional notice be required of recessed public hearing if notice is provided at the public hearing (including date, time and place) when the hearing is resumed.

- B. Notice shall be mailed at least ten (10) days prior to the date of submission.
- C. Notice to the general public shall be given at the same time by advertising in a newspaper of general circulation or posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.
- D. All costs of notice, including mailing, posting or publishing, shall be paid by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

#### SECTION VII – Site Plan Requirements

Site Plan Review applications shall be made on forms available from the Town Office and be accompanied by a detailed site plan prepared by a licensed land surveyor or professional engineer registered in the State of New Hampshire. The plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet. The size of the plan (margin to margin) shall not exceed twenty-two by thirty-four (22" x 34") inches, as required by the Rockingham County Registry of Deeds. Appropriate match lines shall be used and so indicated for plans which exceed this size limit.

In addition, the following information shall be included, except that the Planning Board may waive certain data requirements where considered appropriate:

- A. A Title Block, including:
  - (1) Title of plan;
  - (2) Owner's name and address, and name of agent, if any;
  - (3) The date the plan was prepared and date of subsequent revisions;
  - (4) Scale of the plan; and
  - (5) Name, address and seal of the preparer of the plan
- B. North arrow and bar scale.
- C. A location plan at a minimum scale of one (1) inch equals one thousand (1,000) feet showing:

- (1) Property lines of the parcel being developed in relation to the surrounding area within a radius of two thousand (2,000) feet;
- (2) Names and locations of existing town streets including the nearest intersection of said streets;
- (3) Names and locations of streets within the proposed development;
- (4) Names and location of watercourses and water bodies on and adjacent to the site; and
- (5) Nearby community facilities such as schools, churches, parks, etc.

D. The plan of the site itself shall show:

- (1) Surveyed property lines of the parcel showing their bearings, distances and monument location;
- (2) Names of all abutting property owners;
- (3) Location and layout of existing and proposed structures and building;
- (4) Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- (5) Area of entire parcel in acres and square feet;
- (6) Zoning and special district boundaries;
- (7) Deed reference and tax map number;
- (8) Location, width, curbing and paving of access ways, egress ways and streets within the site;
- (9) Location and layout of all on-site parking and loading facilities;
- (10) Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- (11) Type and location of solid waste disposal facilities;
- (12) Location, elevation and layout of catch basin and other surface drainage features;
- (13) Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- (14) Dimensions and area of all property to be dedicated for public use or common ownership;
- (15) Location of flood hazard boundaries;
- (16) Date and permit numbers of all required state and federal permits;
- (17) Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- (18) Dimensions, area and minimum setback requirements on all existing and proposed lots;
- (19) Proposed landscaping plan including size of proposed and existing signs, walls and fences;
- (20) Pedestrian walks providing circulation through the site;

- (21) Location and size of proposed and existing signs, walls and fences;
- (22) Location and type of lighting for outdoor activities; and
- (23) Location, widths and purpose of any easements or rights-of-way.

E. Documentation – Along with the information required under Section V-B the following additional documents shall be submitted with a site plan review application where applicable.

- (1) A completed application form, endorsed by the property owners and his/her agent, which shall include:
  - (a) A statement describing the development including the use or uses to be conducted on the lot, any change of an existing use, or augmentation to an existing use;
  - (b) Information sufficient to determine whether the development complies with the Nottingham Zoning Ordinance;
  - (c) Request for waivers, if any; and
  - (d) If the development is to be staged or phased, a description of the project in terms of such stages or phases.
- (2) Drafts of deeds, easements, agreements and other legal documents including the following, where applicable
  - (a) Deeds of land to be conveyed to the Town;
  - (b) Deeds of easements and right-of ways
  - (c) The condominium declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General; and
  - (d) Agreements between the applicant and the Town regarding public improvements or other matters.
- (3) Certification of the following:
  - (a) All actions of the Zoning Board of Adjustment relative to the application;
  - (b) Action of the Board of Selectmen on any petitions or other matters relative to the application; and,
  - (c) The actions of any regulatory body of the State of New Hampshire or U.S. Government having jurisdiction over any element of the development, including, but not limited to:
    - (i) Water supply and Pollution Control Commission;
    - (ii) Water Resources Board;
    - (iii) Wetlands Board;
    - (iv) Department of Transportation; and

- (v) Air Resources Agency.

## SECTION VIII – Performance Agreement

### A. Period of Performance

All site improvements shall be constructed and/or installed within the period of time specified in the Planning Board approval of the site plan, unless such time is extended by written mutual consent of the Board and the applicant. Site improvements shall not be considered complete until officially approved by the Building Inspector and such other federal, state or local officials as may have jurisdiction. Construction activities and storage of building materials shall only be carried on in such a manner and at such times as to render said activities not unduly objectionable to adjacent properties.

### B. Certificate of Occupancy

- (1) A certificate of occupancy shall be issued by the Building Inspector for residential and/or nonresidential units only after he has approved the adequacy of all required improvements servicing the subject parcel or parcels.
- (2) A certificate of occupancy shall be issued provided that all required roads, utilities and other improvements servicing the subject parcel have been constructed and or installed in accordance with Town specifications.
- (3) A certificate of occupancy may be issued if only minor improvements are needed to complete the project and if the completion of these improvements have been delayed due to factors, such as the weather, beyond the control of the developer. The developer must demonstrate to the Planning Board the reasons these improvements were not completed. In addition, the developer must demonstrate that the lack of these improvements, as well as the eventual construction of the improvements, will not impede the protection of public health and safety.

### C. Performance Guaranty

- (1) An irrevocable letter of credit that will be considered to have automatically been “called” unless the individual or institution advancing the surety obtains a certificate of completion from the Town prior to the expiration date of the security. A performance guaranty shall be filed by the subdivider with the Planning Board prior to final plat approval.

- (2) Such performance guaranty shall be in an amount up to one hundred (100) percent of the cost of construction as determined by the Planning Board to secure to the Town the satisfactory construction and installation of the required improvements.
- (3) Construction and installation of required improvements must be satisfactorily executed within the time constraints imposed by the Planning Board, or the applicant shall forfeit said performance guaranty, and the surety shall be used to complete and or install such improvements in accordance with the requirements specified herein. If an extension of such time limit is required, the applicant shall notify the Planning Board at least thirty (30) days prior to said completion date. The Planning Board shall have the discretion to extend said completion date and/or increase the limit of the performance guaranty.

D. Maintenance Guaranty

An irrevocable letter of credit to guaranty that all site work was properly done shall be posted by the applicant with the Planning Board if the Board so orders. Such maintenance guaranty shall be in an amount of two percent of the estimated project cost and remain in force for two (2) years after site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such guaranty shall be used to complete and/or install such improvements in accordance with the requirements specified herein.

E. Inspection of Improvements

All site improvements shall be subject to inspection by and approval of the Building Inspector, as appropriate, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said official or their designee following a request by the developer. No underground installation shall be covered until inspected. Any improvements covered without inspection shall be considered not accepted.

F. As-Built Plans

At the completion of construction, the developer shall submit a set of as-built plans showing the actual location and details of all improvements prepared by a licensed land surveyor or professional engineer registered in the State of New Hampshire and shall submit three (3) blue-line prints of the plans to the Board.

SECTION IX – Design Standards and Required Improvements

#### A. General Requirements

- (1) Conformance to Applicable Laws, Rules and Regulations – In addition to the requirements established herein, all developments shall comply with the applicable provisions of the Zoning Ordinance, Subdivision Regulation, and all other applicable Town ordinances.
- (2) Self Imposed Restrictions – If the owner places restrictions on any of the land contained in the development greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the site plan, or the Planning Board may require that restrictive covenants be recorded with the Rockingham County Registry of Deeds in form to be approved by the Board.
- (3) Specification References
  - (a) Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, approved and adopted 1969, as amended.
  - (b) Reference to Uniform Traffic Control Devices shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Commerce, Bureau of Public Roads.

#### B. Streets and Access

- (1) General Requirements – All developments shall make adequate provision for safe and suitable access to an existing public street or shall make provisions for the construction and dedication of a public street in order to obtain safe and suitable access to the development site. Where an adjacent existing street from which access is gained is deemed to be substandard by the Board, the upgrading of said street shall be provided by the developer. Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts by the developer.
- (2) Required Improvements
  - (a) All developments shall provide for safe and satisfactory access from a public street. Developments shall not, in general, derive access from an arterial street. Where driveway access from an arterial street may be necessary,

the Board may require that such lot be served by a combined access drive servicing several lots in order to limit possible traffic hazard on such street.

- (b) Wherever, in the opinion of the Board, safe and satisfactory access cannot be gained from an existing public street, the Board may require the construction and dedication of a public street.
- (c) Wherever, in the opinion of the Board, traffic generated by a development will adversely impact existing public streets or the intersection of public streets, the Board may require improvements to be made to such streets and intersections in an effort to mitigate such impacts.

(3) Design Standards

- (a) Wherever a public street is to be constructed and dedicated, that street shall be designed and constructed in accordance with the applicable standards for the type of street as contained in the Nottingham Subdivision Regulations.
- (b) Wherever an existing public street which provides access to a development is substandard with regard to the applicable standards for the type of street established in the Subdivision Regulations, the Planning Board may require that street to be improved in all respects, including the dedication of additional right-of-way width, so that it will conform to the applicable standards set forth in the Subdivision Regulations.
- (c) Wherever a public street, or the intersection of public streets, will be adversely impacted by traffic generated by a development, that street or intersection shall be improved in accordance with the requirements established by the Board. Those improvements may include, but not be limited to, the installation of traffic signals, the construction of additional lanes for turning movements, and the construction of raised islands or barriers for channeling traffic.

C. Storm Water Drainage

- (1) General Requirements – All developments shall make adequate provisions for storm water disposal facilities which shall be designed and stamped by a registered engineer. Storm water drainage systems shall be constructed within specified easements to carry storm water to existing water courses or existing storm drains. If the storm water drainage system creates any additional

flow over other properties, the developer shall obtain easements therefore from the owners of said properties.

(2) Design Standards

- (a) Storm Water Systems – Storm water runoff shall be carried away in a storm water system designed in accordance with the standards established in the Nottingham Subdivision Regulations. Such drainage facilities shall be located in the road right-of-way where feasible. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty-five (25) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or the other drainage facilities.
- (b) Natural Watercourses – Where a development is traversed by a natural watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board.
- (c) Accommodation of Upstream Drainage Area – A storm water drainage system shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development permitted by the Zoning Ordinance. The Board shall require on-site retention of detention facilities to prevent the overloading of existing downstream facilities.
- (d) Flood Plain Areas – Any development in flood plain areas shall be in compliance with the standards for Special Flood Hazard Areas contained in Section IX-K of these regulations.
- (e) Areas of Poor Drainage – The Planning Board may restrict the development of any portion of the property having poorly or very poorly drained soils in accordance with the Wetland conservation provisions in the Nottingham Zoning Ordinance.



D. Water Supply

- (1) General Requirements – All developments shall make adequate provision for a water supply of potable water for domestic consumption and for water supply for fire protection purposes. All water supply systems and facilities shall be designed and stamped by a registered engineer.
- (2) Required Improvements
  - (a) The location of individual private wells shall comply with all standards of the New Hampshire Water Supply and Pollution Control Commission.
  - (b) A private central water system, serving two or more lots or user, shall conform with and meet all standards set for community water services as established by the New Hampshire Water Supply and Pollution Control Commission (WSPCC) even though the WSPCC may not invoke jurisdiction in all cases.

E. Sewerage

- (1) General Requirements – All developments shall make adequate provision for sanitary sewage disposal facilities. The facilities shall be designed and stamped by a registered engineer. Sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or a private central sewerage system.
- (2) Design Standard – Sanitary waste disposal may be accomplished by either of the following methods.
  - (a) The location of individual private wells shall comply with all standards of the New Hampshire Water Supply and Pollution Control Commission.
  - (b) A private central sewerage system, the design and location of which shall be approved by the State of New Hampshire Water Supply and Pollution Control Commission. Maintenance and operating costs of the system shall be borne by the developer.

F. Non-Municipal Utilities

- (1) General Requirements – The applicant is responsible for all coordination with utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Board pursuant to these regulations.

- (2) Design Standards – All utility facilities, including but not limited to electric power and telephone shall be located underground throughout the development. Whenever existing utility facilities are located above ground, they shall be removed and placed underground. Existing utilities which are located within public rights-of-way are exempted from this provision. The Board shall review and approve the location of all non-municipal utility lines.

G. Off-Street Parking and Loading

- (1) General Requirements – All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the safety and convenience of pedestrian and vehicular movement on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses. No on-street parking, delivery or loading is permitted. Whenever a use existing on the effective date of these regulations is expanded or changed thereafter to a new use, parking facilities shall be provided for such new use.
- (2) Required Improvements – Every development shall provide an area for parking and loading on the site which is paved and drained in accordance with the standards in Section IX-C. The number of parking and loading spaces shall conform to the requirements in the Zoning Ordinance.
- (3) Design Considerations – The design and layout of parking and loading spaces shall conform to the requirements of these regulations:
  - (a) Each and every parking space shall have a safe and independent access;
  - (b) all parking and loading shall be situated on the same tract or parcel of land as the primary use building or structure;
  - (c) No paving, parking, loading area or storage shall be permitted within twenty (20 feet of any side or rear property line;
  - (d) Provision shall be made on-site for the storage of snow which is removed from the parking and loading areas during the winter months.
- (4) Parking Standards – The following parking standards represent minimum requirements and may be increased as part of the approval of a site development plan.

- (a) Multifamily dwelling – One and one-half (1 ½) space for each one (1) bedroom and two (2) spaces for dwelling unit with two (2) or more bedrooms.
- (b) Restaurant – One (1) space per three (3) seats, plus one (1) space per two employees or one (1) space per one hundred fifty (150) square feet of floor space, whichever is greater.
- (c) Wholesale distribution – One (1) space per eight hundred (800) square feet of gross floor area.
- (d) Manufacturing – One (1) space per each one and one-half (1 ½) employee or one (1) space per five hundred (500) square feet of gross floor area.
- (e) Office – One (1) space per three hundred twenty-five (325) square feet of gross floor area.
- (f) Retail - One (1) space per two hundred fifty (250) square feet of gross floor area.
- (g) Church – One (1) space for each four (4) seats of total seating capacity.
- (h) Gasoline Service Station – Three (3) spaces for each service bay, plus one (1) space per employee in the maximum shift.
- (d) Mixed Uses – Sum of various use computed separately.
- (j) Other – Closes similar use as shall be determined by the Planning Board.

(4) Parking Dimensions – The following represent minimum dimensions of parking stalls.

Angle (degrees)	Stall Width (feet)	Curb Length (feet)	Length of space (feet)	Aisle Width* (feet)
90	9	9	18	22
60	9	10.4	21	20

\*Measured between end of stall lines.

## H. Signs

- (1) General Requirements – Signs are intended for the identification of the use on the site on which they are located. Signs shall not be a hazard or nuisance by virtue of their location or illumination.
- (2) Design Standard – Sign size, type, location, height, and illumination shall conform to the requirements of the Nottingham Zoning Ordinance.

I. Preservation of Natural Features and Amenities

(1) General Requirements

- (a) Grading and clearing shall be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention shall be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots, or sections of a development shall be preserved to enhance privacy and attractiveness. Provision for clearing may be made for southerly exposure for solar access to dwellings or buildings.
- (b) If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future users of the development, inhabitants of the surrounding area, or residents of the Town, the land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the unsuitable land conditions. Otherwise, such land shall be set aside for uses as shall not involve such danger.
- (c) Developers shall use construction methods which cause the least disturbance to the environment possible. No cut trees, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy. Nor shall any debris be left or deposited in any area of development at the time of expiration of the performance bond or dedications of public improvements, whichever is sooner.

J. Landscaping

- (1) General Requirements – In all developments, a minimum of 25 percent of the land area being developed shall remain in its natural state or shall be maintained as a landscaped area.
- (2) Required Improvements -

- (a) A landscaped buffer zone shall be required wherever a commercial or industrial development abuts an adjacent residential property.
  - (b) Every development shall include landscaping to enhance the appearance of structures, to screen parking, loading, storage areas and waste disposal facilities to improve the visual character of the immediate area.
- (3) Design Standards
  - (a) A buffer zone shall consist of a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high within three (3) years; or an opaque wall, barrier, or fence of uniform appearance six (6) feet high and extending to within six (6) inches of ground level.
  - (b) Site landscaping shall consist of trees, shrubs and other plant materials adapted to the growing conditions of the specific site as well as the general area.

K. Special Flood Hazard Areas

All site plan proposals governed by these regulations having lands identified as Special Flood Hazard Areas in the “Flood Insurance Study for the Town of Nottingham, NH” together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Nottingham dated September, 1979 shall meet the following requirements:

- (1) Site Plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood hazards.
  - (a) New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.
  - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood

waters into the systems and discharges from the systems into flood waters.

- (4) Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
- (5) All site plan proposals shall include 100-year flood elevation data.

## SECTION X – Administration and Enforcement

### A. Waivers

- (1) When in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause extraordinary and unnecessary hardships, the Board may waive certain portions of the regulation so that substantial justice may be achieved and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of the Zoning Ordinance or the Master Plan.
- (2) In granting waivers, the Planning Board may require such conditions as will in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property;
  - (b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
  - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
  - (d) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

- (4) Procedures – A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

B. Enforcement

The enforcement of these regulations shall be in the manner enacted by the Nottingham Selectmen as authorized by RSA 676:17.

C. Fees

- (1) Application Fees – Any application for approval of a site plan review shall be accompanied by a non-refundable fee, in the amount below, to cover the Board’s administrative cost.
  - (a) For all commercial, residential and industrial development the following fee shall apply:
    - (i) Up to three (3) acres: seventy five dollars (\$75.00).
    - (ii) Three (3) acres or more: one hundred dollars (\$100.00).
  - (b) The Planning Board shall levy a fee of ten dollars (\$10.00) per dwelling unit for all residential development.
  - (c) The Planning Board shall levy a fee of one dollar (\$1.00) for every one hundred (100) square feet of non-residential construction.
- (2) Inspection Fees – The fee levied for inspection of site work shall be the actual cost per hour of the individual making the inspection of improvements as required by these regulations.
- (3) Notice Fees – The applicant shall be responsible for paying the costs of mailing certified notices to abutters and the applicant as well as the cost of advertising or posting.
- (4) Additional Fees – Any applicant may be required to pay additional reasonable fees imposed by the Board to cover the costs of special investigative studies, review of documents and other matters which may be required by a particular application (RSA 676:4-I(g)).
- (5) Adoption – In accordance with RSA 675:6, these regulations shall become effective after a public hearing is held as specified in RSA 675:7, adoption and certification by a majority of the Planning Board members, and filing of certified copies with the Town Clerk

as required by RSA 675:8. Copies shall also be filed with the New Hampshire Office of State Planning as required by RSA 675:9.

- (6) Interpretation and Conflict – In matters of judgment or interpretation of the requirements of these regulations, the opinion and decision of the Board shall prevail. In any place where these regulations are in conflict with any other regulations, ordinances or law in effect in the Town, the more restrictive regulations or provision shall prevail.
- (7) Severability – If any section, subsection, paragraph, sentence, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any Court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of these regulations.
- (8) Amendments – In accordance with RSA 675:6, these regulations may be amended or rescinded by the Board following a public hearing as specified in RSA 675:7 on the proposed change. The Chairman of the Board shall transmit a copy certified by a majority of the Planning Board members of any changes so adopted to the Town Clerk. Copies shall also be filed with the New Hampshire Office of State Planning.
- (9) Appeals – As provided for in RSA 677:15, any persons aggrieved by any decision of the Planning board may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision by the Planning Board.

## SECTION XI – Words and Phrases

### A. Word Usage

Words used in the present tense shall include the future; the singular number shall include the plural and the plural shall include the singular; the word “building” shall include the word “structure”, the word “shall” is mandatory; the word “may” is permissive.

### B. Definitions

For the purpose of this chapter, the terms used herein are defined as follows:



**ABUTTER** – Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration.

**APPLICANT** – Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the approval of site plan pursuant to the rules and regulations of this chapter.

**APPLICATION, COMPLETE** – An application for site plan review which contains sufficient information to invoke jurisdiction of the Planning Board. The ninety (90) day period for review does not start until a complete application has been submitted by the developer and accepted by the Board.

**APPLICATION, FILE** – To deliver an application to the Planning Board's agent for inclusion on Planning Board's agenda.

**APPLICATION, SUBMISSION** – See Official Submittal Date.

**AS-BUILT DRAWINGS** – Drawings which delineate the specific location of site utilities.

**BUFFER ZONE** – Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. Buffer zones may include such things as fences or berms as well as shrubs and trees.

**BUILDING** – Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "building" includes open porches, open breezeways and any other roofed areas. This in no way is to be construed to include a trailer, mobile home or any other like product.

**BUILDING INSPECTOR** – The individual designated by the Town of Nottingham to enforce building codes and development regulations. (Different than Zoning Ordinance)

**BUILDING PERMIT** – Written permission issued by the proper Town official authorizing the construction, repair, alteration or addition to a structure.

**CERTIFICATE OF OCCUPANCY (CO)** – A document issued by the proper Town officials allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable Town ordinances and regulations.

DEED RESTRICTION – See Restricted Covenant

DEVELOPER – The owner of land proposed for site plan review or his representative. Consent shall be required from the legal owners of the property.

DWELLING – A structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTI-FAMILY – A dwelling containing more than two (2) dwelling units.

DWELLING UNIT – One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

EASEMENT – The right or privilege that a person may have in another person's property usually for the purposes of installing and maintaining utilities and drainageways.

ESCROW – A conditional delivery of money by a developer to a bank to be held until such time as the conditions of final plat approval have been satisfactorily complied with.

FAMILY –

- (1) Individuals occupying a dwelling unit and living together as a single housekeeping unit provided that all members are related by blood, marriage or adoption and including necessary domestic help and no more than two (2) lodgers or roomers; or
- (2) Any number of unrelated individuals living together as a single housekeeping unit, provided that not less than three hundred (300) square feet of habitable floor space is provided for each occupant.

FLOOD HAZARD AREA – That portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps of the Town of Nottingham, that, on the average, is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.

FRONTAGE – The linear distance measured along the front lot line between the points of intersection with the side lot lines. "Frontage" along cul-de-sacs shall be the linear at the appropriate front yard building set back depth from the front lot line between the points of intersection with the side lot lines. For the purpose of measurement, lot "frontage" shall be measured along the joining boundary of the front lot line and a public right-of-way. (Different than Zoning Ordinance)

**IMPROVEMENT** – Refers to site grading, streetwork and utilities, including water, sewer, electric, gas and stormwater to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

**LETTERS OF CREDIT, IRREVOCABLE** – A conditional delivery of money by a developer to a nominee mutually agreeable to the Planning Board and the developer. The holder of the money will retain the money until release is authorized by the Town or the money is “called”, that is transferred to the Town of Nottingham. The money will be called by the Town if the developer does not obtain a Certificate of Completion from the Town prior to the expiration date of the security. Upon the expiration date, the money will be transferred to the Town if a Certificate of Completion has not been received by the developer from the Town.

**LOT** – A tract of land under single ownership and occupied by, or designed to be occupied by, one (1) principal building and its accessory buildings or uses customarily incident to it, together with such open spaces and yards as are required by this chapter. (different than Zoning Ordinance)

**LOT LINE** – A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

**MAINTENANCE GUARANTY** – An irrevocable letter of credit accepted by the Town to assure that necessary improvements will function as required for a specific period of time.

**MASTER PLAN** – The plan or any portion thereof adopted by the Town for the coordinated physical development, including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the Town.

**NONRESIDENTIAL SUBDIVISION** – A subdivision intended to be used for purposes other than residential, such as commercial and industrial. Such subdivisions shall comply with the applicable provisions of these regulations.

**OFFICIAL MAP** – A map adopted in conformance with Chapter 674:9-14 of the New Hampshire Revised Statutes Annotated, 1985, inclusive. Such “Official Map” is to be deemed to be final and conducive with respect to the location and width of streets and the location of parks shown thereon.

**OFFICIAL SUBMITTAL DATE** – An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate application procedure.

**ORDINANCE** – Any legislative action, however denominated, of the Town of Nottingham which has the force of law, including any amendment or repeal of any ordinance.

**OWNER** – Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**PERFORMANCE GUARANTY** – An irrevocable letter of credit or an escrow agreement accepted by the Town as a guaranty that improvements required as part of a site plan review approval are satisfactorily completed.

**PLANNING BOARD** – The Planning Board of the Town of Nottingham. Also referred to as the Board.

**PLAT** – The maps, drawings, charts and other documents complying with all applicable provisions in this chapter which constitute the plan for site plan review and which the applicant submits to the Town.

**PUBLIC HEARING** – A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC MEETING** – Any scheduled meeting of the Planning Board.

**REGISTERED ENGINEER** – An engineer properly licensed and registered in the State of New Hampshire.

**REGISTERED LAND SURVEYOR** – A land surveyor properly licensed and registered in the State of New Hampshire.

**RESTRICTED COVENANT** – A restriction on the use of land usually set forth in the deed.

**RIGHT-OF-WAY (ROW)** – A parcel of land used to provide access for a second party. (Different than Zoning Ordinance)

**RIGHT-OF-WAY LINES** – The lines that form the boundaries of the right-of-way.

**SETBACK** – The distance between the street right-of-way lines and the front line of a building.

**SETBACK LINE** – The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**SITE** – Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SITE PLAN REVIEW** – The procedure by which the Town reviews the development plan for one or more lots on which is shown the existing and proposed conditional of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices: any other information that reasonably may be required in order that an informed decision can be made by the Planning Board.

**SLOPE** – The degree of natural inclination of the existing ground.

**STREET** – A public or private way which is intended to provide vehicular access to two (2) or more lots and/or to two (2) or more primary buildings and which may or may not be continuous. Also included are terms such as avenue, boulevard, road, private road, lane, alley, highway, viaduct, freeway, court, way, and drive.

**STREET, ARTERIAL (Major)** – A street designed or utilized primarily for high vehicular speeds or heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

**STREET, COLLECTOR** – A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

**STREET, LOCAL** – A street used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary streets.

**SUBDIVIDER** – Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

**SUBDIVISION** – The division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these regulations. (Different than Zoning Ordinance)

- (1) **MAJOR** – A division of a lot, tract or parcel of land into four (4) or more separate parcels, or a subdivision which requires new streets, the extension of municipal facilities or the creation of any public improvements.
- (2) **MINOR** – A division of a lot, tract or parcel of land into three (3) or less separate parcels, provided that there shall be no extension of streets or other significant improvements required; or any subdivision that , in the judgment

of the Planning Board, may present no significant engineering and/or planning difficulties.

**ZONING DISTRICT** – A specifically delineated district within the Town where regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.